(46)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

W.P. No.890 of 2003

Petitioner — Shiv Prasad Gupta, aged about 41 years, S/o Mitra Bhanu, Sarpanch, Gram Panchayat Navapara (A), Tehsil and District Raigarh (Chhattisgarh)

versus

Respondents

1. State of Chhattisgarh, through the Secretary, Department of Panchayat, DKS Building, Mantralaya, Raipur (Chhattisgarh)
2. Collector (Panchayat Branch), Raigarh, District Raigarh (Chhattisgarh)
3. Sub Divisional Officer (Revenue), Raigarh, District Raigarh (Chhattisgarh)

Present : Shri V.R.Tiwari, counsel for the petitioner.
Shri Sumesh Bajaj, Government Advocate for the State.

ORAL ORDER

(Passed on 20th March, 2007)

What is questioned by the petitioner in this writ petition is the order passed by the Collector in exercise of his power under Section 91 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993.

(2) Inasmuch as the petitioner has a right to appeal against the impugned order under the provisions of the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 before the Director, Panchayat. Without exhausting that remedy, the petitioner could not have approached this Court under Article 227 of the Constitution of India.

(3) In that view of the matter, the writ petition is disposed of. However, liberty is reserved to the petitioner to file an appeal, if he so desires, questioning the impugned order before the appropriate forum within a month's time from today. If such an appeal is filed within the time granted by this Court, the appellate authority shall decide the same on its own merits without

reference to the period of limitation. All the contentions raised by the parties are left open. Ordered accordingly.

Sd/-
Chief Justice